



REPRESENTATIVE CHRISTOPHER H. SMITH
Chairman

SENATOR ALFONSE D'AMATO
Co-Chairman

CSCE Digest

Vol. 19, No. 9

The Commission on Security and Cooperation in Europe

September 1996

Turkey: New Government, Same Old Repression

Since taking power in July, the new Government of Turkey has demonstrated a familiar disregard for international human rights commitments and promises made last fall to secure entry into a European Union customs agreement. On August 26, 41 members of the Peoples Democracy Party (HADEP), including its leadership, were formally charged for alleged ties with the outlawed Kurdistan Workers Party (PKK). The same day, two editors of the Turkish Daily News were charged with "damaging the prestige of the armed forces" by publishing an opinion poll. And, on September 3, Akin Birdal, President of the Human Rights Association of Turkey, was detained for participat-

Turkey, continued on page 4



Chechens watch Russian tanks leaving Grozny.

Lebed, Chechens Reach Ceasefire Agreement

Against the backdrop of a devastated Chechnya and demoralized, seemingly impotent Russian military and internal security forces, Russia's National Security Advisor Alexandr Lebed and Chechen military commander Aslan Maskhadov reached a peace settlement August 31 that has brought the fighting in Chechnya to an end for the time being. It also appears to have brought Chechnya closer to independence, or at least to a status more like independence, than any other republic in the Russian Federation (see accompanying statement and principles issued by Lebed and Maskhadov).

During his presidential election campaign, Lebed criticized the conduct of the war and had suggested a peace plan whereby Russia would annex the ethnic-majority northern regions of Chechnya to the Russian Federation, and permit Chechnya to hold a referendum on the status of the remaining territory. Upon becoming a member of the President's cabinet, he changed his position and took a harder line on the war. His visit to Chechnya after the unexpected and costly Chechen capture of Grozny apparently convinced him of the futility of the effort.

Chechnya, continued on page 5

Inside

Kosovar Albanians, Serbs Agree on Education	2
Status of the Convention on Arbitration and Conciliation	3
Available 1995-96 CSCE Publications from the 104th Congress	3
Lebed-Maskhadov Statement and Principles	6

The Commission on Security and Cooperation in Europe, by law, monitors and encourages progress in implementing the provisions of the Helsinki Accords. The Commission, created in 1976, is made up of nine Senators, nine Representatives, and one official each from the Departments of State, Defense, and Commerce. For more information, please call (202) 225-1901.

Kosovar Albanians and Serbian Government Agree on Education

An agreement between the Kosovar Albanian leadership and the Serbian authorities regarding education in Kosovo was reached on September 2, presumably ending an Albanian boycott of official schools. Brokered by the Roman Catholic peace group Sant' Egidio, the agreement did not involve direct negotiation between the two sides. Indeed, Kosovar Albanian President Ibrahim Rugova and Serbian President Slobodan Milosevic signed separate copies of the agreement. Nevertheless, the agreement itself is the first instance where Belgrade has recognized the authority of Rugova in any way.

Milosevic rose to power in the late 1980s by turning historic Serb attachments to Kosovo into nationalistic propaganda. In 1989, he revoked the province's autonomy from Serbia, and instituted policies which discriminated greatly against the ethnic Albanians—who comprise about 90 percent of Kosovo's population—in employment, education and human rights. The Albanians responded with passive resistance to Serbian authority, and establishing their own, parallel, social support network. Opposing the Serb-oriented curriculum imposed on Kosovo schools, for example, Albanians have attempted to educate their children in a private school system since 1990.

Repression in Kosovo was overshadowed by the war in Bosnia-Herzegovina, but the Dayton Agreement of December 1995 which ended the Bosnian fighting turned attention again to Kosovo, along with hopes that the agreement would create a better environment for resolving differences there and throughout the region. Some positive developments did occur, including Serbia's agreement to permit the United States to open an Information Office in the Kosovar capital, Pristina, and its decision to end what effectively were exit visas restricting travel to Albania. At the same time, tensions also rose as police harassment continued, and some Albanians began to abandon the passive resistance advocated by their leaders to date by attacking, sometimes fatally, police officers. It is unclear whether this

was the result of Albanian frustration over post-Dayton expectations not being met after years of repression, or outright opposition by more radical Albanians to any compromises with Belgrade that may affect Kosovo's self-declared independence. It was equally unclear if there were any desire in Belgrade to move from the status quo in Kosovo and avoid a violent confrontation. Kosovo seemed, however, clearly poised for violence when this agreement on education was signed, breathing new life into attempts for a peaceful resolution of differences.

Sant' Egidio representatives expressed confidence that the agreement would be implemented, based on the increased attention Kosovo is receiving internationally. Rugova was particularly concerned that Serbian authorities would not include university-level education in their understanding of the agreement but has received assurances that they would. A new curriculum still needs to be adopted, but the unofficial Albanian schools system

currently in place should generally be permitted to use officially-operated education facilities.

A forthcoming Helsinki Commission staff report on the prospects for change cautions, however, that deals can be made with Milosevic benefiting this or that population, but that the lack of a democratic foundation to

Opposing the Serb-oriented curriculum imposed on Kosovo schools...for example, Albanians have attempted to educate their children in a private school system since 1990

Serbia's political system allows him to change course if necessary to maintain power. Indeed, he can be expected to crack down on opposition—ethnic or political—from time to time just to remind them of the power he continues to hold over them. Some have reported that the agreement is only the result of international pressure and Belgrade's desire to access international financing for an ailing economy, and that many Albanians will not be content until the larger issue of Kosovo's political status is settled. Regardless of the reasons for the agreement or the sincerity behind it, the Commission staff report called for some resolution to the education problem in Kosovo, for the benefit of a new generation of Albanians who are being denied what were the very good educational opportunities available to their parents and grandparents.

☞ Bob Hand



Status of the OSCE Convention on Arbitration and Conciliation

As of June 24, 33 countries have signed the OSCE Convention on Arbitration and Conciliation. The Convention was a French initiative launched in 1991, adopted and opened for signature in December 1992, and entered into force on December 5, 1994. Twenty-two countries have completed their ratification process, although twelve of those have done so subject to specific reservations, declarations, or understandings. The so-called "Court" of Conciliation and Arbitration (which is actually not a court and has no adjudicative power) opened in Geneva on May 29, 1995.

The OSCE Convention on Arbitration and Conciliation is the first treaty in the history of the Helsinki process adopted directly within the process by a negotiation open to all the participating States and which bears the OSCE label. (In contrast, the treaty on Conventional Armed Forces in Europe, also adopted in 1992, was negotiated only among the NATO and Warsaw Pact members of the OSCE participating States.)

From the earliest discussions of the treaty concept in 1991, the United States opposed the French treaty concept as flawed and misleading to those countries actually confronting and attempting to resolve complex inter-state disputes. In particular, the United States was concerned that the treaty would bifurcate the OSCE process, falsely raise expectations, and divert scarce resources away from other, more promising avenues to deal with conflicts within and among the participating States. (For a longer discussion of the negotiations leading to the treaty's adoption and U.S. concerns, see *Update on Peaceful Settlements of Disputes in the CSCE Process*, a Report Prepared by the Staff of the Commission on Security and Cooperation in Europe, March 1993.)

Arbitration, continued on page 4

The logo for the Conference on Security and Co-operation in Europe (CSCE). It features the letters 'CSCE' in a large, black, serif font, centered within a solid orange rectangular background.

Available 1995-96 CSCE Publications from the 104th Congress

Hearing on The United Nations, NATO and the Former Yugoslavia. April 6, 1995. Official transcript of a public hearing before the Commission, 90 pages.

Hearing on Chechnya. May 1, 1995. Official transcript of a public hearing before the Commission, 48 pages.

Report on the March 5, 1995 Parliamentary Election in Estonia and the Status of Non-Citizens. May, 1995.

Report prepared by the staff of the Commission, 10 pages.

Briefing on Free Press and the Serbian Regime. May 5, 1995. Official transcript of a public briefing conducted by the staff of the Commission, 19 pages.

Report on the International Seminar on Tolerance, Bucharest, Romania. May 23-26, 1995. Report prepared by the staff of the Commission, 27 pages.

Publications, continued on page 7

Turkey, continued from page 1


ing on a delegation negotiating the release of Turkish soldiers captured by the PKK.

Like its direct predecessor, the Democracy Party (DEP)—whose 13 parliamentarians were imprisoned or exiled for speech crimes—HADEP now faces stepped up efforts to delegitimize and dismantle it. Supported by more than 1.2 million voters in last December's elections, HADEP is Turkey's only Kurdish-based political party and was increasingly viewed as a possible interlocutor in the bloody conflict between government forces and Kurdish militants. Yet, now HADEP is the government's target. In June, following a party convention at which a Turkish flag was torn down, 28 HADEP leaders were detained and are being held without being charged—despite their disavowal of any connection to the flag incident. Following the convention, three HADEP members were murdered and the party's offices in Izmir were bombed. Two men accused of tearing down the flag face the death penalty for treason.

The flag incident also had negative consequences for former DEP Member of Parliament, Sirri Sakik, who has been charged for saying, "People who desire that a certain respect be paid to their own flags should also be respectful of others' flags." Prosecutors deemed this statement to be advocating separatism and charged Sakik under Article 8 of the anti-terror law. Last fall, Article 8 was amended with great fanfare in response to European concerns about Turkey's human rights record in advance of the vote on Turkey's customs union entry. Dozens of people have since been jailed under the "new and improved" Article 8, and hundreds of others under similarly restrictive statutes.


The Turkish Daily News case demonstrates how mainstream journalists also face continued repression. New editors Ilnur Cevik, who participated in a Helsinki Commission briefing on Turkish elections, and Hayri Birler face up to six years in prison for publishing a poll last February on preferences for government alternatives following last year's election. Some speculate that the belated decision to prosecute was based on growing displeasure in military circles with Cevik's perceived support of Refah. The trial of the two is scheduled for October 8.

Another troubling case involves Human Rights Association (HRA) President Akin Birdal, who participated in a 1995 Helsinki Commission briefing. A valuable source of information on human rights abuses in Turkey, the Association and President Birdal have received numerous human rights awards in the United States and Europe. Since its inception, the HRA activists have faced severe repression. Fifteen branches have been closed in southeast Turkey, activists and leaders have been murdered by government-supported death squads, and hundreds of HRA members have been arrested and imprisoned.

Birdal participated in a delegation seeking the release of Turkish soldiers captured by the PKK. Led by a Member of Parliament from the ruling Refah Party and including other well-known human rights activists, the delegation was discussed in the press and government circles for weeks. Although unsuccessful, the mission fueled speculation that the government might be willing to tolerate contacts with the PKK. Such speculation, however, caused sufficient consternation in ruling circles to order detention of delegation members. Although Birdal and his associates were released on September 6, it remains unclear whether they will be charged under Penal Code Article 169 for "aiding an illegal organization," for which they could face up to five years in prison. It is also unclear whether Erbas will be stripped of parliamentary immunity so that he can be charged.  Mike Amitay

Arbitration, continued from page 3

Nevertheless, the original promise of the French concept—that Europe's inter-ethnic and minority disputes could and would be resolved peacefully—only became more attractive for some countries, such as Armenia and the states neighboring Bosnia-Herzegovina, as they watched the escalating violence in their own backyards which the OSCE has been unable to prevent. A representative of one Balkan country, for example, wondered how the United States could blame his country for supporting the French idea—which he admitted had slim chances of actually resolving the most critical problems facing Europe—when the United States was unable or unwilling to stop war crimes in Bosnia-Herzegovina. He argued that for the immediate neighbors of this conflict, confronted with the increasing probability of the escalation and spread of war, the French proposal might be flawed but it was all they had.

Finally bowing to masterful French diplomacy, the United States agreed not to block the adoption of the treaty provided that the most serious shortcomings of the treaty were eliminated. Nevertheless, the United States has vowed neither to ratify the treaty or pay for the bureaucratic structure established by it.  Erika B. Schlager

Chechnya, continued from page 1

Russian troops are withdrawing from Grozny and other contested areas to their “winter quarters” in Chechnya where they had been stationed prior to the Russian post-election offensive. Chechen forces, meanwhile, are consolidating their already considerable authority in Grozny and formerly contested regions.

The announced peace terms refer to agreement on the relations between Chechnya and Russia being determined by December 31, 2001. There is no reference to Chechnya’s status within the Russian Federation. Chechen leaders reportedly plan to hold a referendum on independence within the year. One element of the peace agreement is the reference to “self-determination” for Chechnya, a controversial term that does not necessarily mean independence, at least as interpreted by the international community. Duma Foreign Affairs Committee chairman Vladimir Lukin was quoted as saying that the provisions for political regulation for Chechnya are patterned on those for New Caledonia. (Following political unrest in New Caledonia in the late 1980s, an agreement was reached between pro- and anti-independence sides whereby, after a ten-year period, a territory-wide referendum on independence would be held. Only those persons who were valid residents of New Caledonia in 1988 would be permitted to participate.)

When the shooting war in Chechnya died down, the political war in Moscow on the issue began. After initial hesitation, Prime Minister Chernomyrdin and then President Yeltsin endorsed the agreement. However, Lebed has been criticized from such varied sides as Anatoly Chubais, Nezavisimaya Gazeta, Communist Party chairman Gennady Zyuganov, and the ultranationalist organ, Zavtra. The Washington Post of September 1 quoted the director of a Moscow think tank saying that “...(t)here are many political influential forces ready to undermine this agreement.”

The head of the OSCE Assistance Group mission in Grozny, Tim Guildimann, signed the peace agreement. The mission, mandated by the OSCE Permanent Council, to assist in finding a peaceful resolution to the conflict, has been in Grozny since early 1995.

✉ John Finerty

Lebed-Maskhadov Statement And Principles For Determining The Fundamentals Of Relations Between The Russian Federation And The Chechen Republic

We, the signatories,

heeding the current progress in the implementation of the agreement on the termination of hostilities,

striving to create mutually acceptable pre-requisites for the armed conflict’s political settlement,

recognizing the inadmissibility of the use of armed force or the threat to use such force during the resolution of contentious issues,

proceeding from the generally recognized right of all peoples to self-determination, the principles of equality, voluntary nature, the free expression of popular will, the strengthening of inter-ethnic accord and peoples’ security,

expressing the will to unconditionally protect human and personal rights and freedoms, irrespective of nationality, religion, place of residence and other distinctions, to thwart acts of violence with respect to political opponents and proceeding in this context from the 1948 Universal Declaration Of Human Rights and the 1966 International Covenant on Civil And Political Rights,

Agreement, continued on page 6

Agreement, continued from page 5

have jointly elaborated the principles for determining the fundamentals of relations between the Russian Federation and the Chechen Republic, which shall serve as a basis for the subsequent negotiating process.

THE PRINCIPLES FOR DETERMINING THE FUNDAMENTALS OF RELATIONS BETWEEN THE RUSSIAN FEDERATION AND THE CHECHEN REPUBLIC

1. The agreement on the fundamentals of relations between the Russian Federation and the Chechen Republic being determined in accordance with generally recognized norms of international law shall be reached prior to December 31, 2001.

2. A joint commission consisting of representatives of institutions of state authority of the Russian Federation and the Chechen Republic shall be established not later than October 1, 1996.

The commission shall deal with the following tasks:

- monitoring the fulfillment of the Russian Federation President's Decree No. 985 dated June 25, 1996, and preparing proposals pertaining to the completion of the troop pull-out process;
- preparing agreed-upon measures aimed at fighting crime, terrorism and manifestations of ethnic and religious enmity and monitoring their implementation;
- preparing proposals pertaining to the restoration of foreign-currency, financial and budgetary relations;
- preparing programs for the restoration of the Chechen Republic's socio-economic complex and submitting such programs to the Russian Federation's Government;
- monitoring the coordinated interaction of institutions of state authority and other concerned organizations during the provision of food and medicines to the population.

3. The Chechen Republic's legislation shall be based upon observance of human and personal rights, the right of peoples to self-determination, the principles of peoples' equality, the ensuring of civil peace, inter-ethnic accord and safety of all citizens residing on the Chechen Republic's territory, irrespective of their nationality, religion and other distinctions.

4. The joint commission shall complete its work by mutual agreement.

(Izvestia, September 3, 1996, with appreciation to Ed Kline)



Available Publications, continued from page 3

- Briefing on Human Rights in Turkey. June 6, 1995. Official transcript of a public briefing conducted by the staff of the Commission, 41 pages.
- Hearing on the Latest Crisis in Bosnia-Herzegovina. June 8, 1995. Official transcript of a public hearing before the Commission, 29 pages.
- Report on Armenia's Parliamentary Election and Constitutional Referendum. July 5, 1995. Report prepared by the staff of the Commission, 27 pages.
- Hearing on Turkey-United States Relations: Potential and Peril. September 19, 1995. Official transcript of a public hearing before the Commission, 145 pages.
- Briefings on Religious Liberty in the OSCE: Present and Future and Religious Liberty: The State Church and Minority Faiths. September 27 and November 28, 1995. Official transcripts of two public briefings conducted by the staff of the Commission, 175 pages.
- The OSCE at Twenty: Its Relevance to Other Regions. November 13-14, 1995. Materials from a Seminar presented by the Commission, 181 pages
- Hearing on Mass Graves and Other Atrocities in Bosnia. December 6, 1995. Official transcript of a public hearing before the Commission, 116 pages.
- Report on The 1995 OSCE Meeting on Human Dimension Issues, Warsaw, Poland. January 1996. Report prepared by the staff of the Commission, 83 pages.
- Summary of the OSCE Rule of Law Seminar. January 1996. Report prepared by the staff of the Commission, 4 pages.
- Report on Azerbaijan's November 1995 Parliamentary Election. January 1996. Report prepared by the staff of the Commission, 30 pages.
- Report on the Russian Duma Elections of December 1995. March 1996. Report prepared by the staff of the Commission, 17 pages.
- Briefing on Bosnia Elections and the Role of the OSCE. March 28, 1996. Official transcript of a public briefing conducted by the staff of the Commission, 27 pages.
- Briefing on the Turkish Minority in Western Thrace. April 26, 1996. Official transcript of a public briefing conducted by the staff of the Commission, 31 pages.
- Report on The U.S. Helsinki Commission Delegation to Georgia and Azerbaijan. April 22-29, 1996. Report prepared by the staff of the Commission, 14 pages.
- Stockholm Declaration, adopted by The OSCE Parliamentary Assembly, Stockholm, Sweden. July 9, 1996. Official Document of the OSCE Parliamentary Assembly.
- Prosecuting War Crimes in the Former Yugoslavia: An Update. June 1996. Updated periodically. Report prepared by the staff of the Commission, 27 pages.
- Ex Post Facto Problems of the Czech Citizenship Law. September 1996. Report prepared by the staff of the Commission, 15 pages.
- Hearing on the Legacy Of Chornobyl--1986 To 1996 And Beyond, April 23, 1996. Official transcript of a public hearing before the Commission, 83 pages.
- Summary of War Crimes Prosecutions. Updated periodically. Report prepared by the staff of the Commission, 10 pages.
- Briefing on The War Crimes Trials for the Former Yugoslavia: Prospects and Problems, May 28, 1996. Official transcript of a public briefing conducted by the staff of the Commission, 115 pages.

Commission on Security and Cooperation in Europe

234 Ford House Office Building

Washington, DC 20515-6460

E-mail address: CSCE@HR.HOUSE.GOV

Internet Web Site: <http://www.house.gov/csce/>

Commissioners

Rep. Christopher H. Smith, New Jersey, Chairman

Sen. Alfonse D'Amato, New York, Co-Chairman

U.S. House of Representatives

John Edward Porter, Illinois

Frank R. Wolf, Virginia

David Funderburk, North Carolina

Matt Salmon, Arizona

Steny H. Hoyer, Maryland

Edward J. Markey, Massachusetts

Bill Richardson, New Mexico

Benjamin L. Cardin, Maryland

U.S. Senate

Ben Nighthorse Campbell, Colorado

Dirk Kempthorne, Idaho

Rick Santorum, Pennsylvania

Spencer Abraham, Michigan

Frank R. Lautenberg, New Jersey

Harry Reid, Nevada

Bob Graham, Florida

Russell D. Feingold, Wisconsin

Executive Branch

Hon. John H.F. Shattuck, Department of State

Hon. Ashton B. Carter, Department of Defense

Vacant, Department of Commerce

Professional Staff

Dorothy Douglas Taft, Chief of Staff

Michael R. Hathaway, Deputy Chief of Staff

Samuel G. Wise, Director for International Policy

Richard P. Livingston, Senior Advisor

Mike Amitay, Staff Advisor

Maria V. Coll, Office Administrator

Orest Deychakiwsky, Staff Advisor

John Finerty, Staff Advisor

Chadwick R. Gore, Communications Director, Digest Editor

Robert Hand, Staff Advisor

Janice Helwig, Staff Advisor (Vienna)

Marlene Kaufmann, Counsel for International Trade

Sandy List, GPO Liaison

Karen S. Lord, Counsel for Freedom of Religion, Congressional Fellow

Ronald McNamara, Staff Advisor

Michael Ochs, Staff Advisor

Peter Santighian, Staff Assistant/Systems Administrator

Erika B. Schlager, Counsel for International Law

COMMISSION ON
SECURITY AND COOPERATION IN EUROPE

WASHINGTON, DC 20515-6460

OFFICIAL BUSINESS

Christopher H. Smith
M.C.

